

Pacifico Deposition

EXHIBIT C

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
3 CIVIL DIVISION

- - -

4 ALBERT BREWER :
5 Plaintiff, :
6 : :
7 vs. : Civil Action No.
8 : : 5:13-cv-5763
9 BERKS COUNTY SHERIFF, et al:
10 Defendants. :
11 - - -

12 TUESDAY, JUNE 9, 2015
13 - - -

14 Oral deposition of VINCENT PACIFICO, taken
15 at the Law Offices of Deasey, Mahoney & Valentini,
16 LTD, 103 Chesley Drive, Suite 101, Media,
17 Pennsylvania 19063, commencing at 9:22 a.m., before
18 Corinne L. Sugalski, Professional Court Reporter and
19 Notary Public.

20

21

22

23

24

25

 - - -
 VERITEXT LEGAL SOLUTIONS

 MID-ATLANTIC REGION

 1801 Market Street - Suite 1800
 Philadelphia, Pennsylvania 19103

	Page 2	Page 4
1 APPEARANCES:		VINCENT PACIFICO
2		---
3 ZARWIN BAUM DEVITO KAPLAN SCHAER & TODDY, P.C.		VINCENT PACIFICO, having been first
BY: DAVID F. MCCOMB, ESQUIRE		duly sworn, was examined and testified as
4 1818 Market Street		follows:
13th Floor		---
5 Philadelphia, Pennsylvania 19103		EXAMINATION
(215)569-2800		---
6 dfmcomb@zarwin.com		9 BY MR. McCOMB:
Reprcsenting the Plaintiff		10 Q Good morning, Mr. Pacifico. We met
7		11 earlier --
8		12 A Good morning.
DEASEY, MAHONEY & VALENTINI, LTD		13 Q My name is David McComb. And I'm one of
9 BY: ANDREW B. ADAIR, ESQUIRE		14 the lawyers representing Mr. Brewer in this lawsuit
100 Chesley Drive		15 that's been filed against you and several other
Suite 101		16 defendants. I'm going to take your deposition this
Media, Pennsylvania 19063		17 morning and ask you questions about your knowledge
(610)892-2732		18 of the events that give rise to the lawsuit. You've
abadair@dmvnlaw.com		19 been sworn. You're under oath.
Representing the Defendants		20 The court reporter is taking down
13		21 stenographically everything you say. There's
14 ALSO PRESENT:		22 several instructions I want to give you. First, you
15 Albert Brewer, Plaintiff		23 have to keep your voice up. The court reporter can
16		24 only take down stenographically an audible answer,
17 ---		25 which means you can't nod or shrug because she can't
18		
19		
20		
21		
22		
23		
24		
25		
	Page 3	Page 5
1 INDEX		VINCENT PACIFICO
2 Testimony of: Vincent Pacifico		2 take that down.
3 By Mr. McComb.....4		3 Second, let me finish my question before
4 By Mr. Adair.....100		4 you answer. That will assist your counsel, Mr.
5 ---		5 Adair, who may want to make an objection after the
6 EXHIBITS		6 question's been asked. Also, it's literally
7 ---		7 impossible for our court reporter to take down
8 EXHIBIT NUMBER DESCRIPTION PAGE MARKED		8 stenographically two people speaking at the same
9 Pacifico-1 Docket Report For 37		9 time. So I know that, in most conversations, people
Case No.		10 tend to trail off and someone interrupts, but this
10 5:14-cv-04469-EGS		11 isn't a conversation. So it's question and the
(Confidential)		12 answer.
11 Pacifico-2 Pacifico Complaint 39		13 Do you understand that?
12 (Confidential)		14 A Yes.
13 Pacifico-3 Defendants' Answers 49		15 Q Have you ever given a deposition before?
Case No. 14-04469		16 A Yes.
14 (Confidential)		17 Q Can you tell me the first deposition you
15 Pacifico-4 Written Warning to 52		18 ever gave?
A. Brewer - 10/20/10		19 A I don't remember.
16 Pacifico-5 Suspension Notice to 59		20 Q Okay. I'm going to ask you about the
A. Brewer - 12/14/10		21 depositions. One other question. Is there any
17 Pacifico-6 Time Clock Violation 69		22 medical reason, such as taking medication or
to A. Brewer - 1/7/11		23 something, that would prevent you from giving a
18 Pacifico-7 Termination Notice 72		24 deposition today or being able to testify?
to A. Brewer - 6/10/11		25 A No.
19 Pacifico-8 Harassment Policy 92		
20 PLEASE NOTE THAT THE FOLLOWING EXCERPT WAS MARKED AS		
21 CONFIDENTIAL AND CAN BE VIEWED IN THE CONFIDENTIAL		
22 EXCERPT OF THIS DEPOSITION:		
23		
24 Page 37:5 - Page 52:17		
25		

2 (Pages 2 - 5)

<p style="text-align: right;">Page 6</p> <p>1 VINCENT PACIFICO</p> <p>2 Q Okay. Tell me about what deposition you</p> <p>3 recall giving.</p> <p>4 A It was probably 20 years ago or more.</p> <p>5 Q What type of case was it?</p> <p>6 A I don't even remember.</p> <p>7 Q That's fine.</p> <p>8 A I don't even remember.</p> <p>9 Q Okay. What was the most recent deposition</p> <p>10 you gave?</p> <p>11 A That I gave?</p> <p>12 Q Yeah. In which you testified in a</p> <p>13 deposition.</p> <p>14 A I think that was it.</p> <p>15 Q So you've only given one deposition to the</p> <p>16 best of your knowledge?</p> <p>17 A No, I recall. It was about six, seven</p> <p>18 years ago. Someone had sued the County. That's</p> <p>19 what it was.</p> <p>20 Q Were you named as a defendant in that</p> <p>21 action?</p> <p>22 A I don't remember.</p> <p>23 Q Do you recall giving any other</p> <p>24 depositions?</p> <p>25 A No. It was about six, seven years ago.</p>	<p style="text-align: right;">Page 8</p> <p>1 VINCENT PACIFICO</p> <p>2 Q Right, okay. I may refer to write-ups.</p> <p>3 That would be something such as a notice that he's</p> <p>4 being suspended or some sort of disciplinary action</p> <p>5 is taken against him. Is that what you reviewed?</p> <p>6 A Disciplinary action, yes.</p> <p>7 Q Where do you currently live, Mr. Pacifico?</p> <p>8 A Key West, Florida.</p> <p>9 Q How long have you lived there?</p> <p>10 A About -- almost a year. But full time,</p> <p>11 six months.</p> <p>12 Q Are you employed?</p> <p>13 A Yep.</p> <p>14 Q What do you do?</p> <p>15 A Right now, I'm a tour guide.</p> <p>16 Q Who do you work for?</p> <p>17 A Land and Sea of America.</p> <p>18 Q Are you married?</p> <p>19 A Yes.</p> <p>20 Q Do you live with your wife?</p> <p>21 A Separated.</p> <p>22 Q Do you have children?</p> <p>23 A Yes.</p> <p>24 Q Do they live with you?</p> <p>25 A Nope.</p>
<p style="text-align: right;">Page 7</p> <p>1 VINCENT PACIFICO</p> <p>2 And it went to trial, and it was dismissed.</p> <p>3 Q What type of case was it? Was it brought</p> <p>4 by an employee or was it a civil rights action or --</p> <p>5 A It was a guy that wanted to bring video</p> <p>6 cameras into the courthouse and the County would not</p> <p>7 allow him.</p> <p>8 Q Prior to this deposition, did you speak to</p> <p>9 anybody other than your counsel, Mr. Adair?</p> <p>10 A Just you and -- I mean, about the case?</p> <p>11 Q About the case.</p> <p>12 A No.</p> <p>13 Q Did you review any documents to prepare</p> <p>14 for the deposition?</p> <p>15 A Yes.</p> <p>16 Q What did you review?</p> <p>17 A The complaint.</p> <p>18 Q Anything else?</p> <p>19 A Yeah. There was some other disciplinary</p> <p>20 actions that occurred in the past. I glossed over</p> <p>21 those.</p> <p>22 Q Disciplinary actions as to whom?</p> <p>23 A Mr. Brewer.</p> <p>24 Q Were they write-ups of Mr. Brewer?</p> <p>25 A They were disciplinary actions.</p>	<p style="text-align: right;">Page 9</p> <p>1 VINCENT PACIFICO</p> <p>2 Q When did you move to Florida? You said</p> <p>3 you've been there almost a year?</p> <p>4 A I went there last July. I came back for</p> <p>5 two months, then went back right after Christmas.</p> <p>6 Q Where were you working before you moved to</p> <p>7 Key West?</p> <p>8 A The County of Berks and Laureldale Police.</p> <p>9 Q And you were a --</p> <p>10 A Police officer.</p> <p>11 Q -- a sergeant?</p> <p>12 A Police officer.</p> <p>13 Q Police officer. How long did you work for</p> <p>14 Berks County?</p> <p>15 A Four years.</p> <p>16 Q I'm going to ask you about what you --</p> <p>17 A More or less, four years. It's not</p> <p>18 exactly four years.</p> <p>19 Q I'm going to get back to that. But before</p> <p>20 I do, where did you work before you worked at Berks</p> <p>21 County?</p> <p>22 A Phoenixville Police.</p> <p>23 Q And what title did you hold at the</p> <p>24 Phoenixville Police Department?</p> <p>25 A Sergeant.</p>

<p style="text-align: right;">Page 10</p> <p>1 VINCENT PACIFICO 2 Q How long did you work there? 3 A About 20 years. 4 Q Why did you leave the Phoenixville Police 5 Department? 6 A Pension. 7 Q Where did you work prior to Phoenixville 8 Police Department? 9 A Berks County Sheriff's Department. 10 Q What did you do there? 11 A I was a deputy. And Laureldale Police. 12 Q So you worked for Berks County and it's -- 13 what is it? Laureldale? 14 A Laureldale. 15 Q So you worked for Berks County and 16 Laureldale, then you went to Phoenixville, worked 17 there for 20 years, retired, got a pension, then 18 came back to Berks County? 19 A Yes. 20 Q How long did you work at Berks County the 21 first time before going to Phoenixville? 22 A I don't remember. 23 Q Was it more than five years? 24 A I don't remember. That was quite a few 25 years ago.</p>	<p style="text-align: right;">Page 12</p> <p>1 VINCENT PACIFICO 2 career? 3 A No. That's with -- I did not serve civil 4 subpoenas before. 5 Q How about working in the courtroom, had 6 you done that before in your -- 7 A Oh, yes. 8 Q -- law enforcement career? 9 A Yes. 10 Q Guarding court personnel, things of that 11 sort? 12 A Yes. 13 Q What else would your serving in a 14 courtroom involve? 15 A Protecting the judge, escorting prisoners, 16 courtroom security. 17 Q Had you done any work escorting prisoners 18 prior to your second go-around at Berks County? 19 A As a deputy? 20 Q In any capacity. 21 A Well, of course. I was a policeman. 22 Q Well, I -- okay. 23 A Yes. 24 Q So you received training on these tasks at 25 Berks County?</p>
<p style="text-align: right;">Page 11</p> <p>1 VINCENT PACIFICO 2 Q Well, again, I'm just -- was it more than 3 ten years? 4 A No. It couldn't have been. 5 Q Okay. So was it more than five years? 6 A I don't think so, but I don't remember the 7 number of years. 8 Q Okay. When you came back to Berks County 9 after leaving Phoenixville, did you receive any 10 training? 11 A After leaving Phoenixville? 12 Q Yeah. You left Phoenixville and you came 13 back to Berks County, correct? 14 A Yes. 15 Q Did you receive any training your second 16 go-around at Berks County? 17 A Yeah. 18 Q On what? 19 A How to be a deputy. 20 Q Specifically what? What -- 21 A What our daily tasks were, how to serve 22 subpoenas, how to work in the courtroom, what was 23 expected of us. 24 Q Okay. So you mentioned serving subpoenas. 25 Had you done that before in your law enforcement</p>	<p style="text-align: right;">Page 13</p> <p>1 VINCENT PACIFICO 2 A Yes. 3 Q What did the training consist of? Was it 4 a classroom? 5 A There was -- there was training to start 6 off for new qualifications on their weapons, the 7 tools that we use there. And then I was assigned 8 with different deputies that would show me the 9 proper way to do things. 10 Q So a sort of on-the-job training? 11 A Yes. 12 Q Who were the deputies to whom you were 13 assigned for training during this period? 14 A I spent a lot of time with Bob Essig. 15 Q Could you spell that, please? E-S-S-I-G? 16 A E-S-S-I-G, I believe so. 17 Q And was he -- what was his position? 18 A He was the firearms and self-defense 19 person. 20 Q And did you do ride-alongs with Mr. 21 Essig or -- 22 A No. I rode along with -- 23 Q -- what did that training consist of? 24 A I didn't ride along initially, but I did 25 get courtroom initially and spent time with</p>

<p style="text-align: right;">Page 14</p> <p>1 VINCENT PACIFICO 2 different deputies. 3 Q Who assisted you -- what -- so Bob Essig 4 was the firearms -- 5 A Firearms, yeah. 6 Q -- instructor. So you got training from 7 him on -- 8 A Uh-huh. 9 Q -- whatever firearms were being used by 10 Berks County? 11 A Correct. 12 Q So the next person -- someone gave you 13 instruction on courtroom security, correct? 14 A Yes. 15 Q Who was that? 16 A I worked with many different deputies. 17 Actually, one of them was Mr. Brewer that taught me 18 how to work in a courtroom. 19 Q Mr. Brewer was working at Berks County 20 when you came back? 21 A Uh-huh. 22 Q How long had he been there? 23 A I don't know. 24 Q Approximate? Do you have any sense? Had 25 he been there for ten years?</p>	<p style="text-align: right;">Page 16</p> <p>1 VINCENT PACIFICO 2 A Actually, I can see his face because he 3 passed away. I'm trying to think of his name. 4 Q If it comes to you, you can tell me. If 5 not, that's okay. 6 A Dean Raifsnider. 7 Q Dean -- 8 A Raifsnider. And I do not know the 9 spelling. 10 Q Is Raifsnider one word? 11 A Yes. He -- he just stands out because he 12 passed away. 13 Q Okay. Anyone else you can recall? 14 A No. 15 Q So training on firearms, courtroom 16 security, escorting prisoners. Any other training 17 that you can think of? 18 A Everything we needed to know on the 19 day-to-day tasks, how to get from here to there, how 20 to use the key cards, how to survive, and how to do 21 the job. 22 Q Were you given any training on human 23 resource policies at Berks County? 24 A They had an online system of policies that 25 we had access to.</p>
<p style="text-align: right;">Page 15</p> <p>1 VINCENT PACIFICO 2 A I didn't -- I would have no way of knowing 3 when he started. He was one of many deputies that I 4 spent time with. 5 Q Who were the other deputies you spent time 6 with in a training capacity? 7 A John Phillips. 8 Q What training did you receive from Mr. 9 Phillips? 10 A That was also firearms and defense. 11 Q When you talk about defense, are you 12 talking about like martial arts self-defense? 13 A No. The proper handling of prisoners and 14 cuffing and that type of thing. 15 Q Anyone else? 16 A None that stand out. I know all the new 17 hires, including myself -- I have a memory of 18 gaining different experiences in different 19 courtrooms with different deputies. 20 Q When you were hired, did other -- were 21 other people hired at the same time? 22 A Yes. 23 Q Who else was hired at the same time? 24 A Couldn't tell you. 25 Q Okay. Was it more than one other person?</p>	<p style="text-align: right;">Page 17</p> <p>1 VINCENT PACIFICO 2 Q When you say you had access to, do you 3 recall actually accessing those HR policies online? 4 A Policies concerning what? 5 Q Any HR policy. My question is, did you -- 6 do you have any -- 7 A I know we all did, but I don't have any 8 recollection of it. Because I know from time to 9 time, we would all have to sign off that we went on 10 and read something, but it was just on scratch 11 paper. And I don't -- 12 Q Were records kept in terms of what you 13 signed off that you had read? 14 A When I started there? 15 Q At any time. 16 A I wouldn't know what the person did with 17 what I gave -- what I signed. 18 Q But you have a recollection -- did you 19 sign off online? 20 A No, I don't think so. 21 Q You think there was a piece of paper which 22 you acknowledged that you had accessed some human 23 resource policy? 24 A At some point in time, I recall something 25 that we all had to sign off that we read. I</p>

<p style="text-align: right;">Page 18</p> <p>1 VINCENT PACIFICO 2 couldn't tell you what it was. 3 Q Was there any one requirement that you 4 access Berks County EEO policies online? 5 MR. ADAIR: Do you understand what he's 6 asking? 7 THE WITNESS: I don't understand that. 8 BY MR. McCOMB: 9 Q Okay. You said there's an online -- 10 there's material related to human resources online 11 at Berks County, correct? 12 A Correct. 13 Q And that you had accessed it on occasion, 14 you don't recall when or what circumstances. But 15 you do recall signing something acknowledging you'd 16 accessed it, correct? 17 A Yes. 18 Q My question is, were there EEO policies 19 contained in that HR material online? 20 A I don't know the answer to that because I 21 only recall signing off that we all had to read 22 something. And as far as I can recall, it could 23 have been the rules on vacations. I just remember 24 at one point in time, we had to sign something 25 acknowledging that we read something, but I couldn't</p>	<p style="text-align: right;">Page 20</p> <p>1 VINCENT PACIFICO 2 material was contained online? 3 A Yes. 4 Q In addition to it being available online, 5 was it ever distributed to you in hard copy form? 6 A Not that I recall. They did everything 7 they could to not use paper. I'm not saying it 8 wasn't, but I don't recall that it was. 9 Q Okay. You said that Mr. Brewer was 10 working for Berks County when you got there, 11 correct? 12 A Correct? 13 Q And do you know what his title was? 14 A He was a deputy. 15 Q And when you -- what was your title? 16 A Deputy. 17 Q Were you ever in a supervisory 18 relationship with Mr. Brewer? 19 A Yes. 20 Q And how did that come about? You got 21 promoted? 22 A Yes. 23 Q When were you promoted? 24 A I don't remember the dates. 25 Q Well, was it within the first year that</p>
<p style="text-align: right;">Page 19</p> <p>1 VINCENT PACIFICO 2 tell you what it was. 3 Q That's fine. So as we sit here today, you 4 have no recollection of having accessed or 5 acknowledged accessing any EEO policy online? 6 A I don't understand what you mean by EEO. 7 Q EEO -- did Berks County have a sexual 8 harassment policy? 9 A Yes. 10 Q And where was that contained? 11 A Same place, online in their policies and 12 procedures. 13 Q Was there a general policy about not 14 discriminating against persons? 15 A I would assume there is. 16 Q I don't want you to assume or guess. Do 17 you have any recollection of a policy such as that? 18 A Yes. 19 Q And what do you recall about that policy? 20 A That you cannot discriminate against 21 someone because of sex, race, political beliefs, and 22 some other things. 23 Q National origin? 24 A Yeah. 25 Q And it's your recollection that that</p>	<p style="text-align: right;">Page 21</p> <p>1 VINCENT PACIFICO 2 you were reemployed with Berks County? 3 A No. It was within the first two years. 4 Q How did you learn of the opening for -- I 5 guess it would have been a sergeant position? 6 A Yes. 7 Q How did you learn that there was an 8 opening for a sergeant position? 9 A It was announced in the department that 10 there was a position. 11 Q Okay. Now, were you interviewed for that? 12 A Yep. 13 Q Do you know who else was interviewed? 14 A I don't. 15 Q Who interviewed you? 16 A I don't recall who was in the interview. 17 I could guess, but you don't want me to guess. 18 Q No. 19 A It would have been someone superior to me, 20 but I don't -- 21 Q And those people would have been Anthony 22 Damore? 23 A I'd have to guess. I don't know who was 24 in the room during the interview. 25 Q And is that the correct -- is it Damore or</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 VINCENT PACIFICO 2 -- 3 A Damore. 4 Q Damore. And what title did Mr. Damore 5 have? 6 A He was the chief deputy. 7 Q And who was the sheriff? 8 A Eric Weaknecht. 9 Q And as we sit here today, do you have any 10 recollection of being interviewed by Mr. Damore or 11 Mr. Weaknecht in connection with the sergeant 12 opening? 13 A I am certain at some point in time prior 14 to being promoted, the sheriff would have spoken to 15 me. Do I have a specific recollection of an 16 interview place and date and time? No. 17 Q Did you fill out a written application for 18 the sergeant position? 19 A No. Letter of interest. 20 Q Once you were promoted to the sergeant 21 position, did you receive any additional training? 22 A I've received a lot of training, and I 23 just don't recall what fell into place where 24 throughout my law enforcement career. 25 Q Prior to being promoted to a sergeant, had</p>	<p style="text-align: right;">Page 24</p> <p>1 VINCENT PACIFICO 2 Q What was it? 3 A Management. 4 Q Did that include performing performance 5 appraisals for subordinates? 6 A Yes. 7 Q Did it include discipline of subordinates? 8 A Yes. 9 Q What do you recall about that training 10 either as to -- let's start with performance 11 appraisals. What do you recall about that specific 12 training? 13 A That actually stands out in my mind fairly 14 clear because it was made clear to make it known 15 what is expected, give the subordinates the 16 opportunity to comply, and embrace them doing a good 17 job. When it came to performance evaluation time, 18 there should be no surprises because if they're not 19 working to your satisfaction, they should know it. 20 Q So that would -- that's a concept known as 21 performance management, I take it? 22 A Yes. 23 Q So you've heard that phrase before? 24 A Yes. 25 Q How about discipline of subordinates? Do</p>
<p style="text-align: right;">Page 23</p> <p>1 VINCENT PACIFICO 2 you had supervisory responsibility before? 3 A Yes. 4 Q And you'd had that at Phoenixville? 5 A Yes. 6 Q What was the highest rank you held at 7 Phoenixville? 8 A Sergeant. 9 Q And how long did you serve as a sergeant 10 in Phoenixville? 11 A I don't remember how many years it was. 12 It was quite a few years. 13 Q Do you recall receiving any training at 14 Berks County relating to supervisory 15 responsibilities as a sergeant? 16 A No. Because the one class that they were 17 sending supervisors to, I had already had. 18 Q What was the name of that class? 19 A It was a management -- actually, I had 20 both management classes at Fort Indiantown Gap, and 21 I cannot recall the title. But I had already gone 22 to them. 23 Q And do you recall in general terms what 24 the nature of that training was? 25 A Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 VINCENT PACIFICO 2 you recall anything specific about the training -- 3 A There was a motto in -- I'm sorry. I -- 4 Q Go ahead. 5 A There was a motto in the class that I 6 lived by, and they actually gave out coffee mugs to 7 help us remember. And it said: Catch a cop doing 8 something good. So if you look for the best in 9 people, the ones that weren't arising to that level 10 would become apparent. And avoid the "I got you 11 now" scenario. And that's how I managed. 12 Q During the time that you served as a 13 sergeant, did you have the opportunity to observe 14 Mr. Brewer's work performance? 15 A Yes. 16 Q Did you do performance appraisals for Mr. 17 Brewer? 18 A I don't recall if I did or I didn't. I do 19 not -- I don't recall. 20 Q How long did you serve as Mr. Brewer's 21 supervisor? 22 A I don't remember. 23 Q Was there a requirement that performance 24 appraisals be done on an annual basis? 25 A No.</p>

7 (Pages 22 - 25)

	Page 26	Page 28
1	VINCENT PACIFICO	
2	Q No?	1 A No.
3	A (Witness nods.)	3 Q Did you ever make any comments as to his
4	Q Was there a requirement that the	4 appearance?
5	performance appraisals be done at all?	5 A No.
6	A I can just recall, at some point in time	6 Q When I say make comments, I'm not talking
7	during my time in the Berks County Sheriff's	7 about just to Mr. Brewer. Did you ever make
8	Department, receiving correspondence that it's time	8 comments of any sort concerning Mr. Brewer to anyone
9	for performance evaluations. I do not know the	9 else?
10	schedule or the pace at what they were controlled.	10 A No.
11	Q If performance appraisals were done for	11 Q Okay. Let's talk about your assessment of
12	you -- by you for Mr. Brewer, would they be	12 Mr. Brewer's sense of responsibility towards his
13	contained somewhere?	13 job. Was he a responsible employee?
14	A I would assume so.	14 A I don't want to dwell on the negative.
15	Q Without having them in front of you, are	15 There were times that he was someone that I was
16	you able to, in a word or two, describe your view of	16 proud to supervise. But moments that he let me
17	Mr. Brewer's work performance as a deputy?	17 down.
18	A In one word?	18 Q What moments were those?
19	Q No. In a couple words, just in your own	19 A When he abandoned his post.
20	words. I'll break it down for you. How would you	20 Q When did he abandon his post?
21	describe his work knowledge?	21 A He was assigned to a courtroom and left
22	A Knowledge?	22 the courtroom. And we had gotten a call that there
23	Q Yeah, knowledge of the job.	23 was no deputy in the courtroom, and they needed a
24	A What scale would you like me to use?	24 deputy.
25	Q Any scale you would like.	25 Q Do you recall when that was?
	Page 27	Page 29
1	VINCENT PACIFICO	
2	A One to ten? Fair, good, poor?	1 A VINCENT PACIFICO
3	Q Fair, good, poor.	2 A Don't recall a date or time.
4	A His knowledge of the work that needed to	3 Q Whose courtroom was it?
5	be done; is that the question you're asking?	4 A Judge Sprecher's.
6	Q Yes.	5 Q And who notified you that Mr. Brewer had
7	A It was good.	6 left the courtroom?
8	Q Was there anything that you recall that	7 A He didn't notify me that he left the
9	was noteworthy about his work knowledge?	8 courtroom. He notified that there was no deputy in
10	A He was very personable.	9 the courtroom.
11	Q Anything else?	10 Q When you say he, are you talking about
12	A I think I already summed it up. He was	11 Judge Sprecher?
13	personable, got along with others. People liked	12 A No. It was Royal (sic). That's his first
14	him. I liked him.	13 time. And his last name I believe began with an S.
15	Q Would you say you had a good	14 Royal Spatz (sic) or something -- just say Royal
16	relationship -- a good work relationship with Mr.	15 (sic) because I'm not sure on his last name.
17	Brewer?	16 Q And he notified you that there was no
18	A Yeah.	17 deputy in the courtroom?
19	Q Did you ever comment on Mr. Brewer's	18 A There's no deputy in the courtroom, and we
20	national origin?	19 needed a deputy.
21	A No.	20 Q What was going on in the courtroom at the
22	Q Did you ever comment on Mr. Brewer's	21 time?
23	accent?	22 A The judge was getting ready to come back
24	A No.	23 out.
25	Q Did you ever make comments about his hair?	24 Q Did you talk to Mr. Brewer about this
		25 incident?

8 (Pages 26 - 29)

<p style="text-align: right;">Page 30</p> <p>1 VINCENT PACIFICO 2 A Yes. 3 Q And what did he say? 4 A I responded to the courtroom because I had 5 no other deputies available. I got to the 6 courtroom. He was not there. I called him on the 7 radio, asked his location. He said, I'm in 8 Courtroom 3. And I said, no, you're not because I'm 9 in Courtroom 3. 10 Q So your view was that Mr. Brewer was not 11 truthful about his location when you contacted him? 12 A He lied to me. 13 Q And he said, I'm in Courtroom 3 right now? 14 A Yes. 15 Q Did you discuss that with Mr. Brewer? 16 A Yes. 17 Q What did he say? 18 A A lot was said in between then. 19 Q Let's walk through what was said. When 20 did -- how soon after you were advised by 21 Royal-somebody (sic) that there was no deputy there 22 did you talk to Mr. Brewer about it? Was it like in 23 a matter of minutes or an hour? 24 A No. Because I -- I raced up to the 25 courtroom because an empty courtroom falls on the</p>	<p style="text-align: right;">Page 32</p> <p>1 VINCENT PACIFICO 2 Q You said we need some -- what -- 3 A I asked him where he was. 4 Q You asked him where he was. He said he 5 was in Courtroom 3? 6 A Correct. 7 Q You said that's not true because I'm in 8 Courtroom 3 -- or words to that effect? 9 A Words to that effect. 10 Q What did he say? 11 A I'm on my way. 12 Q Did he say where he was on his way from? 13 A No. 14 Q Did he arrive at Courtroom 3? 15 A Yes. 16 Q How long after you spoke to him on the 17 radio did he arrive? 18 A Brief period of time. I don't remember 19 how many minutes it was. 20 Q Did you ask him where he was? 21 A Yes. 22 Q Where was he? 23 A He had a coffee in his hand, and he said 24 he went to get a cup of coffee. 25 Q Did he say anything else?</p>
<p style="text-align: right;">Page 31</p> <p>1 VINCENT PACIFICO 2 supervisor's shoulders. It makes me look bad. And 3 it would have been that day. Giving you a time 4 would not be accurate. I know I spoke to him that 5 day. 6 Q Again, to the best of your recollection, 7 had Mr. Brewer been assigned to that courtroom, 8 Courtroom 3? 9 A Yes. 10 Q So he was assigned to Courtroom 3. You 11 get a call from Royal-somebody (sic) that there's no 12 deputy in the courtroom. You go up to the 13 courtroom. 14 A Correct. 15 Q And, again, my question -- and you think 16 it was at some point that day that you spoke to Mr. 17 Brewer about his absence from that courtroom? 18 A Well, I know there was conversation 19 immediately when he returned. But maybe I'm not 20 clear on your question. 21 Q Let me back up. Maybe I wasn't clear. 22 You find out that the courtroom is unattended? 23 A Uh-huh, yes. 24 Q You called Mr. Brewer on his radio? 25 A Correct.</p>	<p style="text-align: right;">Page 33</p> <p>1 VINCENT PACIFICO 2 A I needed it. 3 Q Did you have any other conversation with 4 him about it? 5 A I'm certain I did, but I do not recall it 6 as we sit here -- at that point in time? 7 Q Yes. 8 A I don't recall the exact words. I'm 9 certain there was some conversation about how this 10 is your responsibility, how you need to remain in 11 your courtroom. And I had this conversation with 12 him and other deputies. If you ever need a break, 13 just call the control room. We'll work it out. You 14 cannot leave without notifying the control room. 15 And that was a -- that was not only that day, but a 16 regular reminder. 17 Q At the time that no one was -- at the time 18 that Courtroom 3 was unattended, were there court 19 proceedings taking place or was the judge getting 20 ready to come back on the bench? 21 A There were people in the courtroom when I 22 arrived. The door was unlocked, but the judge had 23 yet to return to the bench. 24 Q So the people in the courtroom, were they 25 lawyers and witnesses and so forth or other court</p>

9 (Pages 30 - 33)

<p style="text-align: right;">Page 34</p> <p>1 VINCENT PACIFICO 2 personnel? 3 A It was more than just officers of the 4 court. 5 Q Were there any other incidents involving 6 Mr. Brewer while you supervised him that caused you 7 concern? 8 A There was one incident where we needed 9 deputies to go out and serve subpoenas. And Mr. 10 Brewer was one of the deputies assigned to go out 11 and serve subpoenas -- one of many, and he didn't do 12 his assigned job. 13 Q What specifically did he not do? 14 A He didn't serve subpoenas. 15 Q Did you have a conversation with him about 16 it? 17 A Yes. 18 Q What did he say? 19 A He didn't know his way around the city. 20 Q Did he have a GPS? 21 A I don't recall what he had. 22 Q Were GPSs furnished to deputies? 23 A And maps. 24 Q Do you know whether, in fact, Mr. Brewer 25 was furnished with a map and/or a GPS?</p>	<p style="text-align: right;">Page 36</p> <p>1 VINCENT PACIFICO 2 I'm going to do is -- ordinarily, I would 3 object and tell him not to answer these 4 questions because there was a suit that was 5 filed by Mr. Pacifico against the County. 6 MR. McCOMB: Yeah. I have the complaint. 7 MR. ADAIR: That was resolved through a 8 settlement agreement, and part of the 9 settlement agreement was that this was to 10 remain confidential. 11 What I'll do -- because this is -- you 12 know, Mr. Pacifico's up here for his 13 deposition, I'm going to ask that this part of 14 the transcript be maintained separately. 15 MR. McCOMB: That's fine. 16 MR. ADAIR: I'll let you ask the 17 questions. 18 MR. McCOMB: That's fine. 19 MR. ADAIR: We can file a motion down the 20 line for, you know, a protective order, 21 whatever we need to do to keep it confidential. 22 But that way, you can ask the questions, and 23 we -- 24 MR. McCOMB: That's fine. Because 25 otherwise, I would --</p>
<p style="text-align: right;">Page 35</p> <p>1 VINCENT PACIFICO 2 A I think every one of us was issued a map, 3 and there were maps in the cars. And I had assigned 4 him in the city because that was the area that he 5 trained me how to do subpoenas. 6 Q Did you ever ride along with Mr. Brewer in 7 a car? 8 A Yes. 9 Q Did Mr. Brewer seem to have an 10 understanding as to how to get around Berks County? 11 A We were in the city when we rode around 12 together, and he was -- very well. Very, very good. 13 Q So he knew the city pretty well? 14 A Very well. 15 Q Did he know other parts of Berks County as 16 well as he knew the city? 17 A I didn't observe that. I don't know what 18 he knew and didn't know. 19 Q Why did your employment with Berks County 20 end? 21 A I was terminated. 22 Q When was that? 23 A January 2013. 24 Q What was the basis for the termination? 25 MR. ADAIR: At this point in time, what</p>	<p style="text-align: right;">Page 37</p> <p>1 VINCENT PACIFICO 2 MR. ADAIR: You'd go to the judge. 3 MR. McCOMB: We'd go to the judge. 4 MR. ADAIR: Correct, correct. 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

10 (Pages 34 - 37)

	Page 38		Page 40
1	VINCENT PACIFICO	1	VINCENT PACIFICO
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	
	Page 39		Page 41
1	VINCENT PACIFICO	1	VINCENT PACIFICO
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

11 (Pages 38 - 41)

Veritext Legal Solutions
 215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

	Page 42		Page 44
1	VINCENT PACIFICO	1	VINCENT PACIFICO
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	
	Page 43		Page 45
1	VINCENT PACIFICO	1	VINCENT PACIFICO
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

12 (Pages 42 - 45)

Veritext Legal Solutions
 215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

	Page 46		Page 48
1	VINCENT PACIFICO	1	VINCENT PACIFICO
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	
	Page 47		Page 49
1	VINCENT PACIFICO	1	VINCENT PACIFICO
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
25		25	

13 (Pages 46 - 49)

Veritext Legal Solutions
 215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830

	Page 50		Page 52
1	VINCENT PACIFICO	1	VINCENT PACIFICO
2		2	
3		3	
4		4	
5		5	
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	
17		17	
18		18	MR. McCOMB: If we could mark this as
19		19	Pacifico-4.
20		20	---
21		21	(Whereupon, the document was marked,
22		22	for identification purposes, as
23		23	Pacifico-4.)
24		24	----
25		25	
	Page 51		Page 53
1	VINCENT PACIFICO	1	VINCENT PACIFICO
2	BY MR. McCOMB:	2	BY MR. McCOMB:
3	Q It's October 20th. Mr. Pacifico, I'm	3	Q It's October 20th. Mr. Pacifico, I'm
4	showing you what's been marked for identification	4	showing you what's been marked for identification
5	purposes as Pacifico-4. I'd ask you to review this	5	purposes as Pacifico-4. I'd ask you to review this
6	to yourself, and when you're done, to look up.	6	to yourself, and when you're done, to look up.
7	A (Witness reviews document.)	7	A (Witness reviews document.)
8	Okay.	8	Okay.
9	Q Is this the incident that you testified to	9	Q Is this the incident that you testified to
10	earlier involving Judge Sprecher's courtroom?	10	earlier involving Judge Sprecher's courtroom?
11	A Yes.	11	A Yes.
12	Q And is the person you've identified	12	Q And is the person you've identified
13	earlier, Royce -- is that Royce Spadt, S-P-A-D-T?	13	earlier, Royce -- is that Royce Spadt, S-P-A-D-T?
14	A Yes.	14	A Yes.
15	MR. ADAIR: For -- it's pronounced Spate	15	MR. ADAIR: For -- it's pronounced Spate
16	(ph), but he's not here to complain.	16	(ph), but he's not here to complain.
17	MR. McCOMB: Right.	17	MR. McCOMB: Right.
18	BY MR. McCOMB:	18	BY MR. McCOMB:
19	Q And did you have a conversation in which	19	Q And did you have a conversation in which
20	Mr. Spadt said that you had gone to the bathroom --	20	Mr. Spadt said that you had gone to the bathroom --
21	or that Mr. Brewer said he'd gone to the bathroom?	21	or that Mr. Brewer said he'd gone to the bathroom?
22	A Yes. That's what this says.	22	A Yes. That's what this says.
23	Q It says, Royce stated that you went to the	23	Q It says, Royce stated that you went to the
24	bathroom. He says you. This is a memo to Mr.	24	bathroom. He says you. This is a memo to Mr.
25	Brewer, correct?	25	Brewer, correct?

14 (Pages 50 - 53)

<p style="text-align: right;">Page 54</p> <p>1 VINCENT PACIFICO 2 A This is a written warning filed by Chief 3 Deputy Anthony Damore. These are his words and his 4 account. 5 Q Well, did Mr. Damore do any investigation 6 into this incident? 7 A I don't know what he did. 8 Q Well -- 9 A I would certainly consider that he did, 10 but I'm not him. 11 Q Did you relay the facts of the incident to 12 Chief Damore? 13 A Yes. 14 Q And did you have a conversation with Chief 15 Damore as to whether there should be a warning 16 issued to Deputy Brewer? 17 A No. 18 Q Whose idea was it to issue a warning to 19 Deputy Brewer? 20 A Not mine. 21 Q Whose was it to the best of your 22 knowledge? 23 A Don't know. 24 Q Your name appears at least a half dozen 25 times in the memo, correct?</p>	<p style="text-align: right;">Page 56</p> <p>1 VINCENT PACIFICO 2 says. 3 Q And where did you get that information? 4 A You just asked me to read it and tell you 5 what I thought it meant. That's what I think it 6 means. 7 Q Okay. But you don't know whether Chief 8 Damore spoke to Judge Sprecher, do you? 9 A I don't know. 10 Q You don't have any knowledge one way or 11 the other? 12 A I don't know what Chief Damore did. And 13 it was five years ago. He obviously did something. 14 Q Well, he spoke to you obviously? 15 A Oh, yes. And he heard it on the radio. 16 Q What did he hear on the radio? 17 A Well, anyone that had a radio in their 18 hands would have heard me call him and ask him where 19 he's at and him answer, I'm in Courtroom 3, and 20 heard me say, I'm in Courtroom 3. 21 Q Do you know whether Chief Damore heard 22 that conversation on his radio? 23 A Don't know. 24 Q Did you -- you never discussed it with 25 him?</p>
<p style="text-align: right;">Page 55</p> <p>1 VINCENT PACIFICO 2 A Correct. 3 Q So I take it these are facts that you 4 relayed to Chief Damore? 5 A That's fair to assume. 6 Q Well, is there any other way he would have 7 gotten the information that's set out in this memo? 8 A No. 9 Q How far -- is there a vending area in the 10 courtroom near the bathrooms? 11 A No. It's in the other building. 12 Q The first sentence says -- this is, again, 13 to Deputy Brewer. On October 7th, you were assigned 14 to Courtroom 3 with Judge Jeffrey Sprecher, period. 15 Judge Sprecher was scheduled to be completed at 16 10:30 a.m. for a video conference. 17 Q What are you referring to there? 18 A I didn't write this. 19 Q Do you know what Chief Damore is referring 20 to? 21 A I interpret that to read that everyone 22 assumed Sprecher would be occupied in chambers in a 23 video conference. 24 Q Until 10:30? 25 A That's my interpretation of what that</p>	<p style="text-align: right;">Page 57</p> <p>1 VINCENT PACIFICO 2 A I don't remember if I did or I didn't. 3 Q Did you inform Deputy Brewer that his 4 actions were unacceptable? 5 A Yes. 6 Q And he apologized to you? 7 A Yes, he did. 8 Q What did he say? 9 A He said he was sorry, and I accepted it. 10 Q Were there any repercussions about not 11 having a deputy in Judge Sprecher's courtroom at 12 10:07 a.m.? 13 A I don't understand your -- 14 Q Well, did -- 15 A -- question. 16 Q -- Judge Sprecher file a written complaint 17 with the sheriff's department? 18 A Not that I'm aware of. 19 Q Did he complain to the sheriff and say 20 that you're not doing your job? 21 A Not that I'm aware of. 22 Q Was there any threat to public safety by 23 not having a deputy in the courtroom at 10:07 on 24 October 7, 2010? 25 A Of course.</p>

15 (Pages 54 - 57)

	Page 58	
<p>1 VINCENT PACIFICO</p> <p>2 Q What was the threat to public safety?</p> <p>3 A If the courtroom door's open and there's</p> <p>4 citizens in there and we're not staffing an area</p> <p>5 that we're required to staff and something should or</p> <p>6 could happen, we could be held liable. That's why</p> <p>7 we're there.</p> <p>8 Q So the people in the courtroom were</p> <p>9 civilians and court staff, correct?</p> <p>10 A Correct.</p> <p>11 Q What was the threat caused by them being</p> <p>12 present without a deputy?</p> <p>13 A I don't know who they're there for. I</p> <p>14 mean, it could have been a divorce case. There --</p> <p>15 something could have erupted. That's our purpose</p> <p>16 for existence, for being there.</p> <p>17 Q But you don't recall any complaints? No</p> <p>18 complaints were made to the sheriff's department</p> <p>19 about this incident?</p> <p>20 A I don't know what communication was had</p> <p>21 between Sprecher and the chief or the sheriff.</p> <p>22 Q If Judge Sprecher had complained, do you</p> <p>23 think that would have been brought to your attention</p> <p>24 at some point?</p> <p>25 A Not necessarily.</p>		<p>1 VINCENT PACIFICO</p> <p>2 Q Yeah. To the best of your knowledge, was</p> <p>3 any deputy -- are you aware of any other deputy who</p> <p>4 was written up for not being present in a courtroom</p> <p>5 where the judge had not yet come on the bench?</p> <p>6 A Ask me that one more time.</p> <p>7 Q Okay. To the best of your knowledge, are</p> <p>8 you aware of any other deputy written up for not</p> <p>9 being in a courtroom where the judge had not yet</p> <p>10 come out to be on the bench?</p> <p>11 A A very similar incident with some</p> <p>12 different facts, yes.</p> <p>13 Q Who?</p> <p>14 A Peter Fox.</p> <p>15 Q What was Peter Fox written up for?</p> <p>16 A He was written up for not following an</p> <p>17 evacuation drill and securing his courtroom and</p> <p>18 actually not being where he was supposed to be at</p> <p>19 the same time, and then went back to his courtroom,</p> <p>20 I believe, before he was supposed to go back to his</p> <p>21 courtroom.</p> <p>22 Q That's a little different, right?</p> <p>23 A That's why I asked you to repeat it a few</p> <p>24 times. So there's another incident where another</p> <p>25 deputy was disciplined surrounding being where he</p>
	Page 59	
<p>1 VINCENT PACIFICO</p> <p>2 MR. McCOMB: Let's mark this as</p> <p>3 Pacifico-5.</p> <p>4 ---</p> <p>5 (Whereupon, the document was marked,</p> <p>6 for identification purposes, as</p> <p>7 Pacifico-5.)</p> <p>8 ---</p> <p>9 BY MR. McCOMB:</p> <p>10 Q Mr. Pacifico, I'm showing you what's been</p> <p>11 marked for identification purposes as Pacifico-5.</p> <p>12 I'll represent it's a memo to Deputy Brewer from</p> <p>13 Chief Damore dated December 14, 2010. I'd ask you</p> <p>14 to look at it and when you're done reviewing it, to</p> <p>15 look up.</p> <p>16 A (Witness reviews document.)</p> <p>17 Q Before I ask you about Pacifico-5, looking</p> <p>18 back at Pacifico-4, do you recall any other deputies</p> <p>19 being written up for not being in a courtroom where</p> <p>20 the judge wasn't on the bench?</p> <p>21 A Wait a minute. You said 4?</p> <p>22 Q Yeah, look at 4. We just talked about 4.</p> <p>23 A Is this 4?</p> <p>24 Q The incident with Judge Sprecher.</p> <p>25 A Involving me?</p>		<p>1 VINCENT PACIFICO</p> <p>2 was supposed to be at the right time involving the</p> <p>3 courtroom and a judge.</p> <p>4 Q But to the best of your knowledge, has any</p> <p>5 other deputy been written up for not being present</p> <p>6 in a courtroom where the judge hadn't --</p> <p>7 A Not that I recall today.</p> <p>8 Q Okay. Looking at 5, which you just</p> <p>9 reviewed to yourself, there's a reference here to an</p> <p>10 incident on December 2, 2010 involving Deputy</p> <p>11 Brewer?</p> <p>12 A Yes.</p> <p>13 Q And there was an emergency situation in</p> <p>14 the Domestic Relations office?</p> <p>15 A Yes.</p> <p>16 Q Do you recall what that was?</p> <p>17 A It says here that staff was unable to</p> <p>18 locate you during an emergency causing the staff to</p> <p>19 press the emergency button, which sends a radio</p> <p>20 broadcast notifying the entire sheriff's department</p> <p>21 of the situation and calls for assistance.</p> <p>22 Q Okay. What was the emergency situation?</p> <p>23 A I wasn't there. Don't know.</p> <p>24 Q Well, have you seen this memo before</p> <p>25 today?</p>

16 (Pages 58 - 61)

<p style="text-align: right;">Page 62</p> <p>1 VINCENT PACIFICO 2 A Yes. 3 Q And did you provide any of the information 4 that's set out in this memo to Deputy Brewer? 5 A Page two, not page one. 6 Q Was Deputy Brewer assigned to the Domestic 7 Relations office on December 2, 2010? 8 A That's what this says. 9 Q It says -- 10 A Just to be clear, this is not from me. 11 This is from Chief Deputy Anthony Damore. 12 Q Right. And I'm asking you what you know 13 about it. And, again, do you know one way or the 14 other whether Deputy Brewer was assigned to the 15 Domestic Relations office on December 2, 2010? 16 A Using this to refresh my memory, yes. And 17 I recall this incident. But I -- 18 Q What do you recall about it? 19 A I recall running down the hallways to 20 go -- to see what was going on in Domestic 21 Relations. Beyond that, I don't know what occurred 22 in Domestic Relations. 23 Q Do you have any knowledge as to whether or 24 not being assigned to the Domestic Relations office 25 meant that he was physically supposed to be present</p>	<p style="text-align: right;">Page 64</p> <p>1 VINCENT PACIFICO 2 one to step out for a moment to relieve him or 3 herself and return as long as there was coverage. 4 And then -- 5 Q But how about when there's just one? 6 A No, no. You have to call to get coverage. 7 You can't abandon a post. 8 Q Now, I know that Chief Damore wrote the 9 first page of Pacifico-5. But did you have any 10 involvement in that incident? 11 A I was one of the people running down the 12 hallways to render assistance as needed and was 13 there when Mr. Brewer came back. But I was not the 14 person that interacted with him, to my recollection, 15 when he came back with the poinsettia. 16 Q What assistance did you provide -- 17 A I really didn't provide any assistance 18 because there were more deputies there than were 19 ever needed because they pressed the emergency 20 button. No one knew what was going on. My office 21 was all the way in the other building, all the way 22 in the basement, and I was one of the last people to 23 get there. 24 Q But you -- 25 A But I did get there before Mr. Brewer did.</p>
<p style="text-align: right;">Page 63</p> <p>1 VINCENT PACIFICO 2 in that office? 3 A Yes. 4 Q And when somebody's assigned to a certain 5 location, I take it there are times where they take 6 a break or get to go to the bathroom, correct? 7 A Yes. 8 Q Or they get to go to lunch? 9 A Yes, upon proper relief. 10 Q How is that relief handled? 11 A Call the control room, ask for relief. 12 Q And so if someone wants to step out for 13 two minutes to go to the men's room, you would -- 14 the procedure would be to call the office and ask 15 for someone to cover you during that period of time? 16 A Under what circumstance? 17 Q Somebody has to go to the bathroom. 18 Someone's assigned to the Domestic Relations office, 19 and they have to go to the bathroom. My question 20 is, is the procedure they would have to call and get 21 someone to cover them during the period of time they 22 go out to the bathroom? 23 A I don't know the answer to that because I 24 believe there's a bathroom there. In most court 25 cases, if there's two deputies, we generally allowed</p>	<p style="text-align: right;">Page 65</p> <p>1 VINCENT PACIFICO 2 Q There's a reference here saying -- it's to 3 Mr. Brewer, saying you were seen exiting -- I 4 suppose that's supposed to be the elevator, not the 5 evaluator. 6 A That's what this piece of paper says. 7 Q -- with a coffee and poinsettia. Are you 8 talking about the flower? 9 A Plant. 10 Q And it says here, you -- Mr. Brewer -- 11 failed to respond to the emergency notification 12 returning to the Domestic Relations office after the 13 situation was contained. How do you know that Mr. 14 Brewer failed to respond to the emergency 15 notification? 16 A Sir, I don't know. I didn't write this. 17 Q Okay. I'm just -- do you know -- do you 18 have any knowledge as to what -- you said you got 19 there before he did, right? 20 A I already answered you. 21 Q But you don't know whether Mr. Brewer 22 failed to respond to the emergency situation, do 23 you? 24 A Well, to be clear, I didn't write this. 25 Q Right.</p>

<p style="text-align: right;">Page 66</p> <p>1 VINCENT PACIFICO 2 A The rest of us were running, and he was 3 walking off the elevator with poinsettia in one hand 4 and a coffee in the other. I assume one could draw 5 that conclusion, that we responded and he appeared. 6 Q Did you ever have a discussion with Mr. 7 Brewer as to whether his radio was working? 8 A With this incident? 9 Q Yeah. 10 A I don't believe so. 11 Q Did you ever have any discussion with Mr. 12 Brewer as to whether his radio was functioning 13 properly? 14 A Specifically, no. But we kept a group of 15 spare radio, spare batteries and spare antennas 16 should such an occasion arise. And on a regular 17 basis -- I don't recall him specifically coming in 18 and asking for a new antenna or a new battery or a 19 new radio, but it was routine that things wear out 20 and we would replace them. 21 Q Are you aware of any instances in which 22 deputies for the Berks County Sheriff's Department 23 complained about a malfunctioning radio? 24 A Yeah. A deputy would walk in at the 25 beginning of his shift or her shift after making</p>	<p style="text-align: right;">Page 68</p> <p>1 VINCENT PACIFICO 2 Q What was he doing on the cell block? 3 A I can't answer that. 4 Q Did he say what he -- did anyone ask him 5 what he was doing on the cell block? 6 A Nothing. 7 Q My question is, did anyone ask him? Did 8 you ask him? 9 A I didn't interview him. 10 Q Did anybody interview him? 11 A Somebody did. It says right here, during 12 the investigative interview. 13 Q Do you know who did the investigative 14 interview? 15 A The person that wrote this was Chief 16 Anthony Damore. 17 Q Are you aware of other deputies being 18 written up for not serving a subpoena? 19 A For not serving a subpoena? 20 Q Yeah. 21 A No. But that wasn't the characteristic of 22 this. 23 Q Okay. But my question is, are you aware 24 of deputies being written up for failure to serve a 25 subpoena?</p>
<p style="text-align: right;">Page 67</p> <p>1 VINCENT PACIFICO 2 sure they were properly equipped for the day and 3 say, my antenna's broke. You got anymore? I'd open 4 up my drawer, here you go. My battery's not holding 5 a charge. Take a new one. I had a supply of both. 6 Q Let's look at the second page of 7 Pacifico-5. Did you have any input into what's 8 contained on the second page? 9 A I believe I did. 10 Q Did you provide the facts that are 11 contained in this memo to Chief Damore? 12 A I believe I did. 13 Q And was -- does the incident involve Mr. 14 Brewer's not serving a subpoena? 15 A This reflected that he was assigned to 16 serve subpoenas. And at 1:30 in the afternoon, he 17 came back to the department and stopped doing what 18 he was assigned and told the control room he was 19 available. 20 And then at the end of the shift, he 21 listed on his daily log that he spent the rest of 22 the afternoon on the cell block. And then it says 23 that during the investigative interview, by your own 24 admission, you did not complete any work the rest of 25 your shift.</p>	<p style="text-align: right;">Page 69</p> <p>1 VINCENT PACIFICO 2 A No. I don't recall any. 3 Q Are you aware of any deputies ever coming 4 back to you saying they didn't serve a subpoena 5 because they couldn't locate the address? 6 A Yes. There are many occasions where it's 7 a bad address or the people moved or any number of 8 reasons a subpoena cannot be served. But none of 9 those reasons list spending the afternoon in the 10 cell block and not completing the assigned task. 11 Q But you didn't do the interview for Mr. 12 Brewer, right? 13 A Not that I recall, no. 14 Q So you don't know what he was doing in the 15 cell block, do you? 16 A I do not know what he was doing. 17 MR. McCOMB: If you could mark this as 18 Pacifico-6? 19 --- 20 (Whereupon, the document was marked, 21 for identification purposes, as 22 Pacifico-6.) 23 --- 24 BY MR. McCOMB: 25 Q Mr. Pacifico, I'm showing you what's been</p>

<p style="text-align: right;">Page 70</p> <p>1 VINCENT PACIFICO 2 marked for identification purposes as Pacifico-6. I 3 would ask you to review it to yourself, when you're 4 done, to look up. 5 A (Witness reviews document.) 6 Okay. 7 Q Have you seen this before today? 8 A No -- well, obviously on January 7th of 9 2011, I saw it. 10 Q And that's your signature at the bottom of 11 the page? 12 A Yes. 13 Q And did you play any input into the 14 drafting of this report? 15 A No. 16 Q Who did? 17 A Well -- 18 Q Who drafted it? 19 A I don't know. It came from the sheriff's 20 office, but my recollection is it was through time 21 management or HR. I know I didn't type it, but 22 there's no "from" on it. 23 Q Do you know the source of the information 24 that Mr. Brewer failed to clock in or out for a 25 scheduled shift on December 28, 2010?</p>	<p style="text-align: right;">Page 72</p> <p>1 VINCENT PACIFICO 2 A Yes. 3 Q Was this put in Mr. Brewer's personnel 4 file? 5 A I don't have that knowledge. It's here 6 today. So it was put somewhere. 7 MR. McCOMB: Let's mark this as 7. 8 --- 9 (Whereupon, the document was marked, 10 for identification purposes, as 11 Pacifico-7.) 12 --- 13 BY MR. McCOMB: 14 Q Mr. Pacifico, I'm showing you what's been 15 marked for identification purposes as Pacifico-7. 16 I'd ask you to review it to yourself, when you're 17 done, to look up. 18 A (Witness reviews document.) 19 Okay. 20 Q Have you seen this before today? 21 A Yes. 22 Q When did you see it? 23 A Yesterday? Did I see it yesterday? I 24 think I saw it yesterday. 25 Q Prior to preparation for your deposition,</p>
<p style="text-align: right;">Page 71</p> <p>1 VINCENT PACIFICO 2 A Our time management program, this appears 3 like, on page two. 4 Q Did anyone ask Mr. Brewer as to the 5 circumstances of this incident? 6 A I don't know the answer to that. 7 Q Are there circumstances in which a deputy 8 may fail to check in or out for circumstances beyond 9 their control? 10 A Only if they're out of town on an 11 extradition. 12 Q Are you aware of any deputies being 13 written up for a time clock violation, a failure to 14 clock in or out without notifying a supervisor? 15 A Yes. And this is not a write-up. This is 16 just counseling. And when this came out, it was 17 widespread. It was a counseling session to remind 18 all the deputies that were not punching in and out 19 correctly to punch in and out correctly. So this 20 was not focused on Mr. Brewer. This was very 21 widespread. 22 Q So other deputies received a similar first 23 offense -- 24 A Yes. 25 Q -- memorandum?</p>	<p style="text-align: right;">Page 73</p> <p>1 VINCENT PACIFICO 2 do you recall seeing this? 3 A Yeah. I believe I saw it yesterday. 4 Q And this is a memorandum prepared by Chief 5 Damore? 6 A It says to Albert Brewer, Deputy, from 7 Anthony Damore, Chief Deputy. 8 Q Did you provide any of the factual 9 material that's set out on Pacifico-7 to Chief 10 Damore? 11 A Absolutely not. 12 Q Do you know who did? 13 A I have no idea. 14 Q Were you consulted by Chief Damore prior 15 to the decision to terminate Deputy Brewer? 16 A No. 17 Q Do you know who made the decision to 18 terminate Deputy Brewer's employment? 19 A I wasn't consulted. 20 Q Well, whether you were consulted or not, 21 do you know who made the decision? 22 A No. 23 Q When did you first hear that Deputy Brewer 24 had been terminated? 25 A I don't recall. But I believe it was</p>

19 (Pages 70 - 73)

<p style="text-align: right;">Page 74</p> <p>1 VINCENT PACIFICO 2 after he learned of it. I had no knowledge that 3 this was occurring. 4 Q Had you ever made a recommendation that 5 Deputy Brewer's employment should be terminated? 6 A I have never made specific disciplinary 7 recommendations in any case other than a request for 8 discipline. 9 Q Did you ever make a request for discipline 10 as to Deputy Brewer? 11 A I had nothing to do with this. 12 Q You just said that. My question is, did 13 you ever make a request for discipline as to Deputy 14 Brewer? 15 A Yes. 16 Q When? 17 A The Courtroom 3 action. 18 Q What discipline did you request being 19 imposed? 20 A I requested discipline. That is my -- the 21 end of the scope of my responsibility. 22 Q Was there any discussion between you and 23 Chief Damore as to the type of discipline to be 24 imposed? 25 A No.</p>	<p style="text-align: right;">Page 76</p> <p>1 VINCENT PACIFICO 2 discipline to? 3 A I'm certain there are. I just do not 4 recall the specifics. 5 Q Did you ever make a request for discipline 6 as to a minority? 7 A No. I requested discipline for deputies. 8 Q I know. A member of a minority group -- 9 A Well, of course. 10 Q -- other than Deputy Brewer? 11 A I don't recall if I did or I didn't. I 12 didn't view it that way. 13 Q How many deputies did you supervise? 14 A At one point -- well, as a sergeant, 36. 15 And then as a captain, 50-ish. 16 Q When did you serve as a captain? 17 A 2012, 2013. 18 Q What was the process by which you were 19 promoted a captain? Was it similar to being 20 promoted to sergeant? 21 A Same process. 22 Q A letter of interest? 23 A Yes. 24 Q And who interviewed you? 25 A The sheriff -- the sheriff and one of the</p>
<p style="text-align: right;">Page 75</p> <p>1 VINCENT PACIFICO 2 Q How about with the sheriff, did you have 3 any discussion about a request for discipline with 4 Sheriff Weaknecht? 5 A No. 6 Q Have you ever had any discussion with 7 Sheriff Weaknecht as to -- in regards to discipline 8 as to any deputy? 9 A Request for discipline -- 10 Q Yeah. 11 A -- or the outcome of it? 12 Q A request for discipline. 13 A Well, certainly. If I make a written 14 request for discipline, it would be turned in. And 15 that's where it ended with me, supply the facts and 16 then my part was done. 17 Q What deputies do you recall having made a 18 request for discipline as to? 19 A One that stands out is Peter Fox. 20 Q What nationality is Mr. Fox? 21 A He's a White male. I believe his origin 22 is Italian. I really didn't focus too much on it. 23 I thought he was -- had some Italian heritage. I 24 don't know. I could be wrong. 25 Q Anyone else that you'd made a request for</p>	<p style="text-align: right;">Page 77</p> <p>1 VINCENT PACIFICO 2 other captains. 3 Q How many captains were there? 4 A Totally, there were four captains. 5 Q How many deputies were there? 6 A Around a hundred -- approximately a 7 hundred. We had a total staff of approximately 110. 8 It was constantly evolving. 9 THE WITNESS: Can I just use the restroom 10 real quick? 11 MR. McCOMB: Sure. 12 --- 13 (Whereupon, there was a break in the 14 deposition from 10:58 to 11:02.) 15 --- 16 BY MR. McCOMB: 17 Q So a hundred deputies -- 18 A Approximately. 19 Q -- four captains? 20 Did the captains report to the chief 21 deputy or does he report to a captain? 22 A The structure when I was there, the 23 captains reported to the chief deputy. 24 Q How many -- was there just one chief 25 deputy?</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 VINCENT PACIFICO 2 A Yes. 3 Q And he reported to the sheriff? 4 A Yes. 5 Q So it's sheriff down to chief deputy to 6 the four captains. How many sergeants were there? 7 A Approximately eight. That sort of evolved 8 from time to time. 9 Q How many of the captains were Hispanic or 10 Latino? 11 A During my tenure, one. 12 Q Who was that? 13 A Sev Berrios. 14 Q B-A-R-R-I-O-S? 15 A I think it was B-E. 16 Q Huh? 17 A I think it was B-E-R-R-I-O-S. 18 Q And how long did Captain Berrios serve? 19 A I don't know. He was there before I got 20 there and left after I left. 21 Q How many of the sergeants were Hispanic or 22 Latino? 23 A One for sure. 24 Q Who was that? 25 A Jose Davila.</p>	<p style="text-align: right;">Page 80</p> <p>1 VINCENT PACIFICO 2 important piece of material. 3 Q Do you know why Sergeant Davila assumed it 4 was you who had done the taping? 5 A I have no idea. 6 Q Did you ever ask him? 7 A No, not that I recall. 8 Q Of the hundred or so deputies, how many 9 were Hispanic or Latino approximately? 10 A I don't know that answer. You know, I 11 just don't know that answer. I look at you, I don't 12 know your heritage. I can't assume those things. 13 And quite honestly, it didn't make a difference. A 14 deputy was a deputy was a deputy. 15 Q So the answer is you don't know how many? 16 A I don't know. We had people from all 17 walks of life. 18 Q Did you ever refer to Jose Davila as a 19 Puerto Rican cockroach? 20 A Absolutely not. 21 Q Did you ever say that you would crush him? 22 A Jose Davila was my supervisor, and the 23 answer is no. 24 Q Well, he was -- he was a sergeant, 25 correct?</p>
<p style="text-align: right;">Page 79</p> <p>1 VINCENT PACIFICO 2 Q What sort of relationship did you have 3 with Captain Berrios? 4 A Fine. 5 Q Did you ever have any conflicts with him? 6 A Never. 7 Q How about with Sergeant Davila? 8 A We had a conflict that was later 9 determined that I had absolutely nothing to do with 10 and he was upset at the wrong person. 11 Q What was the conflict over? 12 A That someone taped information to the 13 sergeant's desk in booking, and he got very angry 14 and upset and sent out emails and got way out of 15 control assuming I did it. And it was later 16 determined I had absolutely nothing to do with it. 17 Q Did you recommend that Sergeant Davila be 18 disciplined for his response or his email to you 19 regarding the taping? 20 A I relayed to the chain of command that I 21 was very unhappy with the threatening email that he 22 sent me, and I know nothing about what this man is 23 talking about. And it was later determined that 24 another sergeant taped it to the desk because he 25 didn't want it to get lost because it was an</p>	<p style="text-align: right;">Page 81</p> <p>1 VINCENT PACIFICO 2 A He was a senior sergeant to me, and that 3 would have been insubordination, and I did not say 4 that. 5 Q Did you ever say it to anyone else? 6 A No. 7 Q Did you ever say to Deputy Brewer, take 8 your hat off, and then say, oh, never mind, that is 9 your hair? 10 A No. 11 Q Are you aware of whether Deputy Brewer 12 speaks languages other than English? 13 A I was aware that he spoke Spanish because 14 I speak Spanish, very little, and from time to time, 15 we would sit and talk and he would help me with 16 Spanish. As far as other languages go, I have no 17 knowledge of that. 18 Q Did you ever say to Deputy Brewer, quote, 19 how many fucking languages do you know? 20 A I do not have any recollection of saying 21 that. And if I would have asked him if he spoke 22 another language, it would have been a positive 23 thing, not a negative thing. 24 Q Do you know a deputy by the name of Isaac 25 Santiago?</p>

21 (Pages 78 - 81)

<p style="text-align: right;">Page 82</p> <p>1 VINCENT PACIFICO 2 A Yes. 3 Q What was your relationship like with 4 Deputy Santiago? 5 A Very limited. 6 Q What do you -- in what -- did you ever 7 have any conflict with Deputy Santiago? 8 A I did. 9 Q What was it? 10 A He had requested to come out of his 11 assignment in Domestic Relations, and I honored that 12 request and brought him down and put him on the 13 transport team. And at some point in time, he had a 14 medical emergency or became quickly ill and went 15 home ill. Upon returning, I asked him how he was, 16 and he lost it, just went off on me for asking him 17 how he was. 18 Q What was the follow-up to that? 19 A It was quite a lengthy incident because he 20 went into an area he was not authorized to go into, 21 and I repeatedly ordered him and asked him to leave 22 the area. Eventually, he left the area. He wanted 23 to speak to HR. He wanted to speak to his union. 24 Everything was a big problem. And I said, fine. Do 25 all of that outside of the control room. You are</p>	<p style="text-align: right;">Page 84</p> <p>1 VINCENT PACIFICO 2 MR. ADAIR: Let's go off the record for a 3 minute. 4 MR. McCOMB: Sure. 5 --- 6 (Whereupon, there was a discussion 7 held off the record.) 8 --- 9 BY MR. McCOMB: 10 Q Was Sheriff Weaknecht related to anybody 11 serving in HR in Berks County? 12 A His wife. 13 Q His wife. What was her name? 14 A Jessica Weaknecht. 15 Q What position did she hold? 16 A I don't know, but I do know that she 17 worked off campus. She did not work downtown. 18 Q Were you friendly with Jessica Weaknecht? 19 A I wasn't unfriendly with her, but I -- 20 Q Was Jessica Weaknecht ever asked to look 21 into allegations of HR issues involving the 22 sheriff's department? 23 A I wouldn't have that knowledge. And she 24 didn't work downtown. 25 Q My question was whether she ever got</p>
<p style="text-align: right;">Page 83</p> <p>1 VINCENT PACIFICO 2 disrupting the operations. He eventually did. 3 Q Did he speak to HR? 4 A Yes. 5 Q Did HR do anything? 6 A He wound up getting disciplined. 7 Q Santiago ended up being disciplined? 8 A Yes. 9 Q Did Santiago file an HR complaint about 10 you? 11 A I don't know that he did or didn't. 12 Q Do you know if any of the deputies or 13 employees of Berks County ever filed complaints 14 about you? 15 A I was never brought up to HR to answer to 16 a complaint from a deputy. 17 Q Well, that's not my question. My question 18 is whether anyone ever filed a complaint about you. 19 A I don't know. 20 Q Were you ever told that someone had filed 21 a complaint about you? 22 A No. 23 Q Who was in charge of HR? 24 A I don't remember his name. I might 25 recognize it if I saw it or heard it.</p>	<p style="text-align: right;">Page 85</p> <p>1 VINCENT PACIFICO 2 involved in HR issues. 3 A I wouldn't have that knowledge. 4 Q Okay. So you don't know? 5 A (Witness nods.) 6 Q Do you know Elvin Ortiz? 7 A Yes. 8 Q Who's Mr. Ortiz? 9 A He was a deputy that worked in Warrants. 10 Q Did you ever have any conflicts with 11 Deputy Ortiz? 12 A I had an investigation that was -- he was 13 the focus of. 14 Q What was the investigation about? 15 A Someone complained that when he was in 16 Warrants, they broke his door. And I investigated 17 it and upheld that he was acting properly. 18 Q Did Deputy Ortiz ever tell you that he was 19 going to file a complaint of discrimination? 20 A No. I supported him. He did his job 21 well. 22 Q So my question is, did he ever file a 23 complaint of discrimination against you? 24 A No. 25 Q Did you ever direct Deputy Santiago to</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 VINCENT PACIFICO 2 transport a prisoner by himself in violation of 3 procedure? 4 A In violation of procedure? 5 Q Yeah. 6 A No. 7 Q Did you ever ask him to transport a 8 prisoner by himself? 9 A Yes. 10 Q Did you ever ask any non-Hispanic deputies 11 to transport prisoners by themselves? 12 A Yes. 13 Q Who? 14 A Vince Martello. 15 Q When was that? 16 A It happened on a regular basis. 17 Q What prisoners was he asked to transport? 18 Anything unique about them? 19 A No. 20 Q Was there a policy requiring more than one 21 deputy to transport a prisoner? 22 A The policy was that it was preferred when 23 practicable to have two deputies. 24 Q Why was that? 25 A Safer.</p>	<p style="text-align: right;">Page 88</p> <p>1 VINCENT PACIFICO 2 Martello. He was very active, and that scenario 3 occurred more often with him than with others. 4 Q Okay. Let's go back to Pacifico-7 that's 5 in front of you. Did you play any part in the 6 preparation of Pacifico-7, either by drafting part 7 of it or supplying information to Chief Damore? 8 A To my recollection, I have absolutely 9 nothing to do with this. 10 Q Do you know who did the investigation of 11 the incident described in Pacifico-7? 12 A Same answer. To my recollection, I have 13 absolutely nothing to do with this. I can't answer 14 those questions. 15 Q Well, whether you did it or not, you may 16 have information as to who did the investigation. 17 My question is, do you know who did the 18 investigation? 19 A This is from Anthony Damore, Chief Deputy. 20 That would lead me to believe that he would have 21 been someone that had something to do with it. 22 Q Do you know if Detective Martinez was 23 interviewed? 24 A I don't know. If I believe everything I 25 read in here, it says that he was involved in it.</p>
<p style="text-align: right;">Page 87</p> <p>1 VINCENT PACIFICO 2 Q What would be the factors that would enter 3 into whether it was acceptable to have a single 4 deputy transport a prisoner? 5 A The medical condition of the prisoner and 6 the ability to thwart an escape. 7 Q So if a prisoner's lying on a cot with an 8 IV on him, he's less of a risk of escape than 9 someone who's -- 10 A No. But if he's a paraplegic or has a 11 broken leg or is of advanced age or in poor 12 health -- by all means, we tried to utilize staff as 13 best as possible. 14 Q What were the circumstances under which 15 Deputy Martello was regularly asked to transport 16 someone by himself -- a prisoner by himself? 17 A It was normally a new arrest, someone that 18 he just recently arrested. 19 Q And what was unusual about those 20 circumstances? 21 A Nothing unusual. 22 Q Were other deputies asked to transport a 23 new arrest by themselves? 24 A Some of them did from time to time, but 25 the one that stands out in my mind is Vince</p>	<p style="text-align: right;">Page 89</p> <p>1 VINCENT PACIFICO 2 Q Well, his name appears in the memo. 3 There's no doubt about that. We can read that. My 4 question is, do you know anything about whether he 5 was interviewed? 6 A Don't know. 7 Q If you look at the second page of 8 Pacifico-7, it says disciplinary history. Did the 9 sheriff's department have a policy of progressive 10 discipline? 11 A Yes. 12 Q If the disciplinary history for Deputy 13 Brewer had been different than what is set out on 14 the second page, would the incident described on the 15 first page, if true, had resulted in his 16 termination? 17 A I don't think that's a question I'm 18 qualified to answer. If you're asking for my 19 opinion, I'll give it to you. 20 Q Well, I'm not asking you to make a guess. 21 I'm asking you based on your experience -- a 22 considerable amount of experience as a deputy, as a 23 sergeant, as a captain, as to what the policies were 24 in Berks County and whether based on that 25 experience, in your personal view, the termination</p>

23 (Pages 86 - 89)

<p style="text-align: right;">Page 90</p> <p>1 VINCENT PACIFICO 2 of the deputy -- of Deputy Brewer would have taken 3 place if he'd had no other prior disciplinary 4 history? 5 A You're asking me what I think? 6 Q Yeah. 7 A I think the result would have been the 8 same. 9 Q Why? 10 A He left the prisoner alone, unguarded, in an unsecured area after being told not to. 12 Q And you're basing that based on the memo, right? 14 A On what I'm reading. 15 Q Right. And you have no firsthand knowledge of any of the facts set out in this memo, right? 18 A No. I made that very clear. 19 Q So -- 20 A I'm reading this just as you are. 21 Q Right. 22 A And you're asking me to form an opinion off of what I've read. 24 Q Right. So your opinion is based on the facts set out in the memo. If true, that would have</p>	<p style="text-align: right;">Page 92</p> <p>1 VINCENT PACIFICO 2 incident with Chief Damore? 3 A No. 4 Q You didn't have a conversation about this incident with Sheriff Weaknecht? 6 A No. 7 MR. McCOMB: Let's mark this as 8. 8 --- 9 (Whereupon, the document was marked, 10 for identification purposes, as 11 Pacifico-8.) 12 --- 13 BY MR. McCOMB: 14 Q Mr. Pacifico, I'm showing you what's been 15 marked for identification purposes as Pacifico-8. 16 And I'd ask you to review that silently to yourself. 17 When you're done, look up. 18 A (Witness reviews document.) 19 Q Have you seen this before today? 20 A Yes. 21 Q Do you recall the last time you saw this? 22 MR. McCOMB: And, again, I'm going to note 23 for the record that Pacifico-8 is a document 24 produced by Berks County. It's a harassment 25 policy with a revised date of May 10, 2010.</p>
<p style="text-align: right;">Page 91</p> <p>1 VINCENT PACIFICO 2 supported the termination without regard to the 3 disciplinary history noted on the second page, 4 correct? 5 A It wouldn't seem unreasonable. 6 Q Now, I know you don't have any firsthand 7 knowledge of the incident set out on Pacifico-7. 8 But do you have knowledge of what people, in fact, 9 do have knowledge of these facts or is everything 10 you're going to testify to based solely on what's 11 set out in the memo? 12 A I don't have any direct knowledge of 13 anything surrounding this incident. 14 Q That wasn't my question, sir. I'm not 15 asking whether you have direct knowledge or were a 16 participant. I'm asking whether you have any 17 knowledge based on something you may have heard, for 18 example, a conversation -- 19 A No. 20 Q -- with one of the participants? 21 A No. 22 Q So you didn't have a conversation with 23 Detective Martinez at some point? 24 A Nope. 25 Q You didn't have a conversation about this</p>	<p style="text-align: right;">Page 93</p> <p>1 VINCENT PACIFICO 2 BY MR. McCOMB: 3 Q I'm sorry, go ahead. You were getting 4 ready to answer. 5 A I was still reading it. 6 (Witness reviews document.) 7 I've reviewed it. 8 Q Have you seen this before today? 9 A I have seen something similar to this, but 10 this was revised in 2010 after I was originally 11 hired. So I have seen something very similar to 12 this. 13 Q Do you recall when you first saw it? 14 A It would have been when I was hired -- the 15 very first day I was hired, something similar to 16 this -- but this is the revision after that. 17 Q Have you ever discussed this policy with 18 anyone other than your counsel, Mr. Adair? 19 A It was discussed in the workplace. 20 Q Who do you recall discussing it with in 21 the workplace? 22 A Whoever did orientation. 23 Q Would that have been someone from HR? 24 A Yes. 25 Q Do you recall the names of any of the</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 VINCENT PACIFICO 2 people who conducted orientation? 3 A No. 4 Q Since orientation, have you had any 5 discussions about this policy with anyone from HR? 6 A From HR? 7 Q Yeah. Let's start with HR. 8 A Not that I recall. 9 Q Since orientation, have you had any 10 discussions about this policy with anyone other than 11 HR? 12 A Yes. 13 Q Who? 14 A The sheriff, Adam Fehl, John Stanton, Eric 15 Diggan, and Counsel. 16 Q Okay. None of my questions are intended 17 to elicit information you may have discussed with 18 your counsel. Other than -- 19 MR. ADAIR: Just for the record. Eric 20 Diggan was your attorney as well, wasn't he? 21 THE WITNESS: Yes. 22 MR. McCOMB: All right. 23 BY MR. McCOMB: 24 Q So he was counsel in the -- yeah. 25 A Yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 VINCENT PACIFICO 2 A Correct. 3 Q Was there a discussion as to whether your 4 conduct met the definition of harassment set out in 5 paragraph one as I said? 6 A Yes. 7 Q What, if anything, did Sheriff Weaknecht, 8 Adam Fehl or John Stanton say about that? 9 A They did not answer my question. I 10 repeatedly asked them which one of the categories 11 here that are listed, that are required to be a 12 violation of this harassment, does he fall into 13 because he didn't fall into any of them. This was 14 not based on any of these reasons. Our disagreement 15 was financial. 16 Q Did Sheriff Weaknecht, Adam Fehl or John 17 Stanton state that you had harassed anyone other 18 than John Eli (sic)? 19 A I don't recall at my termination -- the 20 purpose was Terry Eli. 21 Q I'm sorry, Terry Eli. 22 A Terry Eli. They didn't say anything about 23 any other reasons that we're here today, if that 24 answers your question. 25 Q Well, you said at -- they said at the</p>
<p style="text-align: right;">Page 95</p> <p>1 VINCENT PACIFICO 2 Q -- in the Family Medical Leave -- 3 A Yes. 4 Q Okay. So I want to put Eric Diggan in the 5 category of someone I don't want you to disclose 6 anything discussed. What do you recall discussing 7 with Sheriff Weaknecht about this policy? 8 A When he terminated me for violating this 9 policy, I asked him to point out where I violated 10 it, what specifically I violated because Terry Eli 11 did not fit into the categories as defined in here. 12 Q Well, let's look at the definition section 13 where it says, number one, harassment -- and I'm 14 just going to read it in the record. It's short. 15 Harassment: Any physical, verbal or 16 non-verbal conduct that shows hostility or disdain 17 toward an individual based on race, color, religion, 18 sex, sexual preference, national origin, age, 19 disability, veteran's status, mental status, or 20 political affiliation. 21 Did I read that correctly? 22 A Yes. 23 Q And am I correct that you were terminated 24 by Berks County for violation of the harassment 25 policy?</p>	<p style="text-align: right;">Page 97</p> <p>1 VINCENT PACIFICO 2 termination meeting. Have you ever had any 3 discussions at any time with Sheriff Weaknecht, Adam 4 Fehl or John Stanton as to whether you had violated 5 the harassment policy with respect to someone other 6 than Terry Eli? 7 A In the -- we had a sit-down meeting with 8 Isaac Santiago. He alleged he was being harassed 9 because he was also one of the deputies that 10 received a notification about punching in and 11 punching out correctly. 12 And HR strongly told him that this was not 13 Vince Pacifico's decision. This was the County's 14 decision to issue these notices, and that this is 15 not harassment, this is county wide, all employees. 16 And that's the only other time I can recall that 17 becoming an issue. 18 MR. McCOMB: Well, could you read back my 19 question? 20 --- 21 (Whereupon, the record was read back 22 as requested.) 23 --- 24 BY MR. McCOMB: 25 Q And I'm going to ask that again because I</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 VINCENT PACIFICO 2 don't think you've answered my question. 3 A I think I misunderstood it. 4 Q Okay. Have you ever had a discussion with 5 Sheriff Weaknecht, Adam Fehl, John Stanton or anyone 6 else affiliated with Berks County as to whether you 7 had violated the harassment policy with respect to 8 someone other than Terry Eli? 9 A No. 10 Q Did Isaac Santiago make an allegation that 11 he was harassed because of his national origin? 12 A No. He just said he was being harassed. 13 Q Who did he say he was being harassed by? 14 A In the meeting concerning the punching in 15 and punching out, that I harassed him. But it had 16 nothing to do with national origin. That was never 17 raised. It was just that he was being harassed. 18 Q Well, let me rephrase the question then. 19 Were there any employees that have alleged that you 20 harassed them other than Terry Eli? 21 A Not that I'm aware of. 22 Q So you've never had any conversation with 23 anyone at Berks County in which there's been a 24 discussion of allegations of harassment by you 25 towards a Berks County employee?</p>	<p style="text-align: right;">Page 100</p> <p>1 VINCENT PACIFICO 2 A I wouldn't know him if he walked in the 3 door. 4 Q Do you know what position Mr. Cabrera 5 held? 6 A No. Was he a county detective or -- 7 Q Well, I -- 8 A I don't know. 9 Q I'm not answering questions. So -- 10 MR. ADAIR: I can't answer questions for 11 you either. 12 THE WITNESS: I don't know. Law 13 enforcement -- something law enforcement, 14 that's all I know. 15 MR. McCOMB: That's all I have, Mr. 16 Pacifico. Thanks. 17 MR. ADAIR: I actually just have a 18 question or two. 19 MR. McCOMB: Okay. 20 ---</p> <p>21 BY MR. ADAIR: 22 Q Did you ever have -- did you ever write up 23 Peter Fox -- Deputy Peter Fox for not calling 24 Control when a judge left the bench? 25 A You mean when court was closed?</p>
<p style="text-align: right;">Page 99</p> <p>1 VINCENT PACIFICO 2 A I do not recall any such meeting 3 occurring. 4 Q Well, whether it was at a meeting, whether 5 it was an email, whether it was a telephone 6 conversation, my question is whether there was any 7 communication, any discussion, any sort of exchange 8 of information between you and anyone associated 9 with Berks County which has been an allegation that 10 you harassed somebody? 11 A I can't think of anything. 12 MR. McCOMB: Let's take a two-minute 13 break. I may be close to being done. 14 ---</p> <p>15 (Whereupon, there was a break in the 16 deposition from 11:34 to 11:40.) 17 ---</p> <p>18 BY MR. McCOMB: 19 Q Do you know an individual by the name of 20 Angel Cabrera? 21 A I know the name and that's it. 22 Q Did you ever have any conflict with Mr. 23 Cabrera? 24 A No. 25 Q Do you know --</p>	<p style="text-align: right;">Page 101</p> <p>1 VINCENT PACIFICO 2 Q Correct. 3 A Oh, yeah. 4 Q Tell me what happened in that incident. 5 A Peter Fox and Deputy Gravish were in a 6 courtroom that I believe was the emergency motions 7 judge, and someone had turned themselves in, and I 8 tried to run the guy up to the courtroom to catch 9 him so that the guy could see the judge and get 10 re-released. 11 And I got up to Courtroom -- I think it 12 was 9, all the way on the top floor in the main 13 building where Judge Keller was at, and the doors 14 were locked. And I radioed the deputy. And here, 15 they were inside and the judge had already left. 16 Q Who was inside? 17 A Peter Fox and Deputy Leonard Gravish. 18 Q Did you -- do you know whether any 19 discipline was issued as a result of that? 20 A I don't know what it was. Something 21 occurred, but I don't know what the outcome was. 22 Q Was that a violation -- 23 A I know I requested discipline. 24 Q Was that a violation of policy -- 25 A Yes.</p>

26 (Pages 98 - 101)

Page 102

1 VINCENT PACIFICO

2 Q -- in your opinion?

3 A Yes.

4 MR. ADAIR: I don't have any other
5 questions.

6 MR. McCOMB: I don't have anything
7 further. Thanks.

8 ---

9 (Witness excused.)

10 ---

11 (Deposition concluded at 11:43 a.m.)

12 ---

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 103

1 CERTIFICATE

2 COMMONWEALTH OF PENNSYLVANIA:

3 COUNTY OF PHILADELPHIA:

4 I hereby certify that I am a Notary Public
5 in good standing, that the aforesaid testimony was
6 taken before me, pursuant to notice, at the time and
7 place indicated; that said deponent was by me duly
8 sworn to tell the truth, the whole truth, and
9 nothing but the truth; that the testimony of said
10 deponent was correctly recorded in machine shorthand
11 by me and thereafter transcribed under my
12 supervision with computer-aided transcription; that
13 the deposition is a true record of the testimony
14 given by the witness; and that I am neither of
15 counsel nor kin to any party in said action, nor
16 interested in the outcome thereof.

11 WITNESS my hand and official seal this
12 18th day of June, 2015.

13

14

15 Corinne L. Sugalski

16

17 Corinne L. Sugalski
18 Professional Court Reporter
19 Notary Public

20

21

22

23

24

25

27 (Pages 102 - 103)

Veritext Legal Solutions
215-241-1000 ~ 610-434-8588 ~ 302-571-0510 ~ 202-803-8830